IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 14085 of 2005

Between:

Satishalal S/o late Bindulal, R/o Aam Bazaar, Yellandu (V&M) Khammam District

..... PETITIONER

AND

1 The District Collector, Khammam
2 The Singareni Collieries Co. Ltd., rep by Chief General Manager (P), Yellandu, at Yellandu, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably Writ of Mandamus declaring the order issued by 1st respondent in proceedings Rc. NO. E2/128/2004 dt 30-5-2005 as illegal, arbitrary, contrary to record and violative of principles of natural justice and consequently set a side the same, and pass such other or further orders.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.1: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.2: Mr. N. KRISHNA RAO

The Court at the admission stage made the following :

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ORDER:

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This writ petition is filed by the petitioner aggrieved by the impugned order passed by the first respondent dated 30th May, 2005, under which the 'No Objection Certificate' issued in favour of the petitioner to install a retail out let in the land of an extent of 1333.33 square yards in Sy.No.609/43 of Yellandu Village and Mandal was ordered to be kept in abeyance, until further orders.

According to the petitioner, he is the owner of the land in question, where he proposed to install a retail out let for distribution of petroleum products. In pursuance

of it, he made the necessary application and in fact, the District Collector, first respondent herein has issued 'No Objection Certificate' on 13-04-2005. However, on the complaint of the second respondent that there is some overlapping with reference to the land in question with its land, sought to conduct the joint survey for fixing of the boundaries to the extent of the land owned by the second respondent, and on the said complaint, the first respondent passed the impugned order. Though the petitioner sought for an order suspending as well as setting aside the said order of the first respondent, keeping the 'no objection certificate' in abeyance. But however, as the very land in question is in dispute as it is claimed by the 2nd respondent that there is an overlapping of its land with that of the petitioner, it would be proper in the interest of both the petitioner and the second respondent that the survey as proposed is to be completed expeditiously for fixing of the boundaries of the land of the second respondent.

In the above circumstances, the writ petition is disposed of directing the first respondent to see that the joint survey is conducted and completed within a period of six weeks from the date of receipt of a copy of this order for fixing of the boundaries as claimed by the second respondent, and if the result of the joint survey shows that the petitioner's land is not being affected by the overlapping as claimed by the second respondent, the second respondent has to withdraw the impugned order dated 30th May, 2005. Even otherwise also, the said order would cease to have any effect with reference to the 'no objection certificate' issued by the first respondent in favour of the petitioner if the survey as directed is not conducted.

The Writ Petition is accordingly disposed of with the above directions. No costs.

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S. ANANDA REDDY, J.

DATED: 12th July, 2005

Note:

Issue C.C. by three days

(By Order)

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Copy to:

1. The District Collector, Khammam.
2. The Chief General Manager (P),

   The Singareni Collieries Co., Ltd.,

   Yellandu, at Yellandu, Khammam District.

3. Two C.Cs to the Government Pleader for Civil Supplies

High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

4. Two C.D.Copies.